

# COMMITTEE REPORT

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## MADAM PRESIDENT:

**The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1468, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 animals and to make an appropriation.
- 4 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 5 "SECTION 1. IC 4-6-3-2, AS AMENDED BY P.L.222-2005,
- 6 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2009]: Sec. 2. (a) The attorney general shall have charge of
- 8 and direct the prosecution of all civil actions that are brought in the
- 9 name of the state of Indiana or any state agency.
- 10 (b) In no instance under this section shall the state or a state agency
- 11 be required to file a bond.
- 12 (c) This section does not affect the authority of prosecuting
- 13 attorneys to prosecute civil actions.
- 14 (d) This section does not affect the authority of the inspector general
- 15 to prosecute a civil action under IC 4-2-7-6 for the recovery of funds
- 16 misappropriated, diverted, missing, or unlawfully gained.
- 17 **(e) The attorney general may bring an action to collect unpaid**
- 18 **registration fees owed by a commercial dog broker or a**
- 19 **commercial dog breeder under IC 15-21."**
- 20 Delete pages 2 through 3.
- 21 Page 4, delete lines 1 through 22.

Page 7, delete lines 20 through 21, begin a new line block indented and insert:

**"(32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana."**

Page 7, delete lines 28 through 39, begin a new paragraph, and insert:

**"Sec. 1. (a) This article does not apply to:**

**(1) an animal shelter;**

**(2) a humane society;**

**(3) an animal rescue operation that complies with the standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12;**

**(4) a hobby breeder;**

**(5) a person who breeds sport dogs for hunting purposes; or**

**(6) a person who breeds dogs for use by the police or the armed forces.**

**(b) As used in this section, "animal rescue operation" means a person or organization:**

**(1) that accepts within one (1) year:**

**(A) more than twelve (12) dogs; or**

**(B) more than nine (9) dogs and more than three (3) unweaned litters of puppies;**

**that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or**

**(2) that uses a system of private residential dwellings as foster homes for the dogs.**

**The term does not include a person or organization that breeds dogs.**

**(c) As used in this section, "hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at least twelve (12) months of age."**

Page 8, delete lines 2 through 4, begin a new paragraph and insert:

**"Sec. 4. "Commercial dog breeder" means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.**

**Sec. 5. "Commercial dog broker" means a person:**

**(1) who is a Class "B" licensee under 9 CFR 1.1; and**

**(2) who sells at least five hundred (500) dogs in a calendar year."**

Page 8, line 5, delete "Sec. 5." and insert "Sec. 6."

Page 8, line 7, delete "Sec. 6." and insert "Sec. 7."

Page 8, delete lines 9 through 13.

1 Page 8, line 16, after "Commercial" insert **"Dog Broker and**  
 2 **Commercial"**.

3 Page 8, delete lines 17 through 19, begin a new paragraph and  
 4 insert:

5 **"Sec. 1. A person may not operate:**

6 **(1) a commercial dog breeder operation; or**

7 **(2) as a commercial dog broker;**

8 **without being registered with the board in accordance with this**  
 9 **chapter."**

10 Page 8, line 23, beginning with "shall" begin a new line blocked left.

11 Page 8, delete lines 25 through 29, begin a new paragraph and  
 12 insert:

13 **"Sec. 3. (a) A commercial dog breeder who knowingly or**  
 14 **intentionally fails to register with the board as a commercial dog**  
 15 **breeder commits a Class A misdemeanor.**

16 **(b) A commercial dog broker who knowingly or intentionally**  
 17 **fails to register with the board as a commercial dog broker**  
 18 **commits a Class A misdemeanor.**

19 **(c) A commercial dog breeder or a commercial dog broker who**  
 20 **fails to register with the board is liable to the state for two (2) times**  
 21 **the amount of registration fees that the commercial dog breeder or**  
 22 **commercial dog broker failed to pay. The attorney general may**  
 23 **bring an action to collect unpaid commercial dog breeder or**  
 24 **commercial dog broker registration fees. Funds collected under**  
 25 **this subsection shall be deposited in the commercial dog breeder**  
 26 **and broker fund established by IC 15-21-3-3."**

27 Page 8, line 30, delete "Renewal of a".

28 Page 8, line 30, after "Registration" insert **"Requirements"**.

29 Page 8, delete lines 31 through 42, begin a new paragraph, and  
 30 insert:

31 **"Sec. 1. (a) A commercial dog breeder shall register annually**  
 32 **with the board.**

33 **(b) The board shall provide for notice of the upcoming**  
 34 **expiration of registration to each registrant at least thirty (30) days**  
 35 **before the expiration of the one (1) year period.**

36 **(c) The fee to register or renew a registration as a commercial**  
 37 **dog breeder is:**

38 **(1) seventy-five dollars (\$75) if the person has not more than**  
 39 **fifty (50) unaltered female dogs at least twelve (12) months of**  
 40 **age;**

41 **(2) two hundred dollars (\$200) if the person has more than**  
 42 **fifty (50) but not more than one hundred (100) unaltered**

female dogs at least twelve (12) months of age;  
 (3) three hundred dollars (\$300) if the person has more than  
 one hundred (100) but not more than one hundred fifty (150)  
 unaltered female dogs at least twelve (12) months of age;  
 (4) four hundred dollars (\$400) if the person has more than  
 one hundred fifty (150) but not more than two hundred fifty  
 (250) unaltered female dogs at least twelve (12) months of age;  
 and  
 (5) five hundred dollars (\$500) if the person has more than  
 two hundred fifty (250) unaltered female dogs at least twelve  
 (12) months of age.

The fee shall be deposited in the commercial dog breeder and  
 broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a  
 commercial dog breeder must include the following:

- (1) The name and address of the person's commercial dog  
 breeding operation.
- (2) The name and address of the registrant.
- (3) A statement that the person's commercial dog breeding  
 operation complies with the requirements of IC 15-21-4.
- (4) Any other information related to taxation that is required  
 by the board.

(e) A person who knowingly or intentionally makes a material  
 misstatement in a commercial dog breeder registration statement  
 commits false registration as a commercial dog breeder, a Class A  
 misdemeanor.

Sec. 2. (a) A commercial dog broker shall register annually with  
 the board.

(b) The board shall provide for notice of the upcoming  
 expiration of registration to each registrant at least thirty (30) days  
 before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial  
 dog broker is one thousand dollars (\$1,000). The fee shall be  
 deposited in the commercial dog breeder and broker fund  
 established by section 3 of this chapter.

(d) A person who registers or renews a registration as a  
 commercial dog broker must include the following:

- (1) The name and address of the person acting as a  
 commercial dog broker.
- (2) The name and location of the person's commercial dog  
 broker business.
- (3) Any other information related to taxation that is required

1           by the board.

2           (e) A person who knowingly or intentionally makes a material  
3 misstatement in a commercial dog broker registration statement  
4 commits false registration as a commercial dog broker, a Class A  
5 misdemeanor.

6           Sec. 3. (a) The commercial dog breeder and broker fund is  
7 established for the purpose of funding:

8               (1) the inspection of commercial dog breeding operations by  
9 the board; and

10              (2) the enforcement by the board of laws concerning  
11 commercial dog breeders and commercial dog brokers.

12           The fund shall be administered by the board.

13           (b) The fund consists of:

14               (1) commercial dog breeder and commercial dog broker fees;  
15 and

16               (2) donations to the fund.

17           (c) The expenses of administering the fund shall be paid from  
18 money in the fund.

19           (d) The treasurer of state shall invest the money in the fund not  
20 currently needed to meet the obligations of the fund in the same  
21 manner as other public money may be invested. Interest that  
22 accrues from these investments shall be deposited in the fund.

23           (e) Money in the fund at the end of a state fiscal year does not  
24 revert to the state general fund.

25           (f) Money in the fund is continually appropriated to carry out  
26 the purposes of the fund.

27           (g) The board may adopt rules under IC 4-22-2 to implement  
28 this chapter.

#### 29           Chapter 4. Duties of Commercial Dog Breeders

30           Sec. 1. A commercial dog breeder shall comply with the  
31 standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12."

32           Delete pages 9 through 10.

33           Page 11, delete lines 1 through 20.

34           Page 11, line 23, delete ":".

35           Page 11, line 24, delete "(1)".

36           Page 11, line 25, delete "; and".

37           Page 11, delete line 26.

38           Page 11, run in lines 23 through 27.

39           Page 11, line 33, after "may" insert "**not**".

40           Page 11, line 36, after "not" insert "**adopt or**".

41           Page 11, delete lines 39 through 42, begin a new paragraph, and  
42 insert:

**"Chapter 7. Enforcement**

**Sec. 1. (a) The board may enforce this article when the board determines that sufficient funds have been deposited in the commercial dog breeder and broker fund to permit enforcement.**

**(b) In enforcing this article, the board may:**

**(1) seek injunctive relief;**

**(2) issue an order of compliance notifying the commercial dog breeder or commercial dog broker of a violation and requiring corrective action by a certain date; and**

**(3) impose a civil penalty of not more than:**

**(A) five hundred dollars (\$500) for a knowing violation;**

**(B) one thousand dollars (\$1,000) for an intentional violation; and**

**(C) five thousand dollars (\$5,000) for knowingly or intentionally violating an injunction.**

**(c) The board may seek an injunction to prohibit a commercial dog breeder from registering with the board for not more than three (3) years.**

**(d) Subsection (a) does not prohibit the board from assisting a law enforcement agency in a criminal investigation."**

Page 12, delete lines 1 through 14.

Page 12, line 17, delete "or registered".

Page 12, line 18, delete "veterinary technician".

Page 12, delete lines 27 through 42.

Delete pages 13 through 17.

Page 18, delete lines 1 through 10.

Page 18, line 37, delete "in a".

Page 18, delete line 38.

Page 18, line 39, delete "(C) tether an animal".

Page 18, run in lines 37 through 39.

Page 19, line 4, delete "medical".

Page 19, line 4, delete "an animal's" and insert "**a dog's**".

Page 19, line 5, delete "; or" and insert "**if the injury or illness seriously endangers the life or health of the dog.**".

Page 19, delete lines 6 through 12.

Page 19, line 16, reset in roman "cat or dog,".

Page 19, line 16, delete "vertebrate animal".

Page 19, line 17, reset in roman "cat or dog".

Page 19, line 17, delete "vertebrate animal".

Page 19, line 18, reset in roman "cat or dog".

Page 19, line 18, delete "vertebrate".

Page 19, line 19, delete "animal".

- 1 Page 19, line 32, strike "IC 15-17-5," and insert "**IC 15-17**,".
  - 2 Page 19, line 33, strike "IC 15-17-5" and insert "**IC 15-17**".
  - 3 Page 19, line 34, after "facilities" insert "**and state or federal**
  - 4 **animal disease control programs**".
  - 5 Page 20, between lines 5 and 6, begin a new line block indented and
  - 6 insert:
  - 7 "**(12) Destruction of an injured or ill animal by an individual**
  - 8 **to prevent the animal from prolonged suffering.**".
  - 9 Page 20, delete lines 15 through 25.
  - 10 Page 20, line 30, reset in roman "Class B misdemeanor.".
  - 11 Page 20, line 30, delete "Class A".
  - 12 Page 20, line 31, delete "misdemeanor.".
  - 13 Page 20, line 32, delete "Class D felony" and insert "**Class A**
  - 14 **misdemeanor**".
  - 15 Page 20, delete lines 37 through 42.
  - 16 Page 21, delete lines 1 through 18.
  - 17 Page 21, line 19, after "IC 35-46-3-0.5" delete "," and insert "**and**".
  - 18 Page 21, line 20, delete "and IC 35-46-3-10, all" and insert "**both**".
  - 19 Renumber all SECTIONS consecutively.
- (Reference is to HB 1468 as reprinted February 18, 2009.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 0.

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**Senator Steele, Chairperson**